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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
GUILL, RUSSELL L	

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,403	SALMONSEN ET AL.	
	Examiner	Art Unit	
	Russell L. Guill	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *December 16, 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *3-7,9,10,12-16,19-23,25,26,28,30-32 and 35-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *3-7,9,10,12-16,19-23,25,26,28,30-32 and 35-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to an Amendment filed December 16, 2005. Claims 1, 2, 8, 11, 17, 18, 24, 27, 29 and 33 - 34 were canceled. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28 and 30 - 31 were amended. Claims 35 – 42 were added. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 – 32 and 35 – 42 are pending. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 – 32 and 35 – 42 have been examined. Claims 3 - 7, 9 - 10, 12 - 16, 19 - 23, 25 - 26, 28, 30 – 32 and 35 – 42 have been rejected.

Response to Remarks

2. Regarding claims 1, 9, 17, 25 and 33 rejected under 35 USC § 112:

   2.1. Applicants' amendments to the claims overcome the rejections, and the rejections are withdrawn.

3. Regarding independent claims 1, 17 and 33 rejected under 35 USC § 103:

   3.1. The Applicant canceled the claims, and therefore the rejections are moot.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.1. **Claims 3, 9, 10, 14, 19, 25, 26, 28, 30, 36 and 42** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4.1.1. Regarding **claims 3 and 19**, the claims recite "the computer network." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "a computer network."

4.1.2. Regarding **claims 9 and 25**, the claims recite "said network." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "a network."

4.1.3. Regarding **claims 10 and 26**, the claims recite "said remote network." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "a remote network."

4.1.4. Regarding **claims 25, 28 and 30**, the claims recite "said audio/visual system." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "an audio/visual system."

4.1.5. Regarding **claims 14 and 30**, the claim recites "said computer network" (two recitations). The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "a computer network."

4.1.6. Regarding **claim 36**, the claim recites "the audio/visual device." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "the audio/visual device subsystem."

4.1.7. Regarding **claim 42**, the claim recites "said network." The term has insufficient antecedent basis. For the purpose of claim examination, the term is interpreted as "a computer network."

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention

dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari (U.S. Patent Number 6,119,153) in view of Capps (U.S. Patent Application Publication 2002/0082730).

7.1. Regarding **claim 35**,

7.2. Dujari appears to teach:

7.2.1. an audio/visual device subsystem (**figure 1, elements 30, 31, 34**);

7.2.2. a rendering circuit for facilitating presentation of selected content (**figure 1, elements 47, 48**);

7.2.3. an emulation circuit for receiving a content selection via the user interface, the emulation circuit determining if the content is accessible via the device subsystem, and if not, obtaining the content from another source, and receiving the content and providing it to the rendering circuit for presentation, the emulation circuit thereby behaving as though it is the device subsystem (**column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25**).

7.3. Dujari does not specifically teach:

7.3.1. a user interface facilitating operation of the device subsystem and selection of content ;

7.4. Capps appears to teach:

7.4.1. a user interface facilitating operation of the device subsystem and selection of content (**figure 12; and paragraph [0083]; and figure 1**);

7.5. The motivation to use the art of Capps with the art of Dujari would have been the benefit recited in Capps that the invention improves a user's online media experience (**paragraph [0006]**).

7.6. Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Capps with the art of Dujari to produce the claimed invention.

7.7. Regarding **claim 36**:

7.8. Dujari appears to teach:

7.8.1. the audio/visual device comprises a drive (figure 1, elements 30, 31, 34);

7.9. Regarding **claim 37**:

7.10. Dujari appears to teach:

7.10.1. the another source is a computer (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25);

7.11. Regarding **claim 38**:

7.12. Capps appears to teach:

7.12.1. the computer is connected to the audio/visual device subsystem via a computer network (figure 1, elements 65, 66,68, 60, 42);

7.13. Regarding **claim 39**:

7.14. Capps appears to teach:

7.14.1. the computer is directly connected to the audio/visual device subsystem (figure 1, elements 20, 42);

7.15. Regarding **claim 40:**

7.16. Dujari appears to teach:

7.16.1. a device subsystem (figure 1, elements 30, 31, 34);

7.16.2. determining if a content selection is accessible via the device subsystem (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25);

7.16.3. if so, reading the content from the device subsystem and rendering the content for presentation (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25);

7.16.4. if not, obtaining the content from another source and rendering it as though read from the device subsystem (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25).

7.17. Dujari does not specifically teach:

7.17.1. a user interface adapted to operate the device subsystem and facilitating selection of content thereon;

7.17.2. receiving a content selection via the user interface;

7.18. Capps appears to teach:

7.18.1. a user interface adapted to operate the device subsystem and facilitating selection of content thereon (figure 12; and paragraph [0083]; and figure 1);

7.18.2. receiving a content selection via the user interface (figures 12 - 14; and paragraphs [0010] and [0083]);

7.19. The motivation to use the art of Capps with the art of Dujari would have been the benefit recited in Capps that the invention improves a user's online media experience (paragraph [0006]).

7.20. Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Capps with the art of Dujari to produce the claimed invention.

7.21. Regarding **claim 41**:

7.22. Dujari appears to teach:

7.22.1. the content is obtained from another source via a computer network (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25).

7.23. Regarding **claim 42**:

7.24. Dujari appears to teach:

7.24.1. transmitting the content retrieved from said network to a computer for remote storage (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25).

7.25. Regarding **claims 3 and 19**:

7.26. Capps appears to teach:

7.26.1. the computer network is selected from a group consisting of: a global computer network, a local area network, and a wide area network (**figure 1, elements 66, 67**).

7.27. Regarding **claims 4 and 20**:

7.28. Capps appears to teach:

7.29. an audio/visual device subsystem is selected from a group consisting of a digital versatile disk system, a digital video cassette recorder, an audio presentation device and a television (**figure 1, elements 72, 42**).

7.30. Regarding **claims 5 and 21**:

7.31. Capps appears to teach:

7.31.1. the rendering circuit decompresses said content prior to presentation (**paragraph 3; it would have been obvious that an MP3 file would need to be decompressed**).

7.32. Regarding **claims 6 and 22**:

7.33. Capps appears to teach:

7.33.1. the rendering circuit formats said content prior to presentation (**paragraphs 3 and 31; it would have been obvious that the emulation system must format the information**);

7.34. Regarding **claims 9 and 25**:

7.35. Dujari appears to teach:

7.35.1. a memory for storing content retrieved from said network on said audio/visual system (column 1, lines 10 - 27, lines 65 - 67; and column 2, lines 1 - 25);

7.36. Regarding **claims 14 and 30**:

7.36.1. Capps appears to teach:

7.36.1.1. the emulation circuit includes stored instruction sequences to control data flow through the audio/visual system based on at least one parameter of said computer network (figure 1, element 68; the ordinary artisan at the time of invention would have known that there were stored instructions based on a parameter of the network), at least one parameter of a target device in said computer network (figure 1, element 65; the ordinary artisan at the time of invention would have known that there were stored instructions based on the parameters of the target device), and a data type of said content (figure 1, element 60; the ordinary artisan at the time of invention would have known that there were stored instructions based on the data type of content).

7.37. Regarding **claims 15 and 31:**

7.37.1. Capps appears to teach:

7.37.1.1. at least one parameter of said target device is a bandwidth of said target device (figure 1, element 65; the ordinary artisan at the time of invention would have known that the bandwidth of the target device would have stored instructions to control the data flow through the audio/visual system).

7.38. Regarding **claims 16 and 32:**

7.38.1. Capps appears to teach:

7.38.1.1. stored instruction sequences to control data flow through the audio/visual system by providing a handshake protocol based on said at least one parameter to optimize data flow (figure 1, elements 66, 68; the ordinary artisan at the time of invention would have known that there were stored instructions to control the data flow through the audio/visual system by providing a handshake protocol based on a parameter of the network, such as the communications protocol).

8. **Claims 7, 13 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari and Capps as applied to **claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above, further in view of Putterman (Patent Application Publication US 2003/0135859).

8.1. Dujari as modified by Capps teaches the audio/visual system as described in **Claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above.

8.2. **Regarding claims 7 and 23**: Putterman teaches, packetizing said content for distribution to a home network system (**paragraphs 41, 2, 3, 4 and 5**).

8.3. **Regarding claim 13**: Putterman teaches, that the audio/visual system is coupled to a network comprising a plurality of audio/visual apparatuses, and said emulation circuit retrieving said content from one of said plurality of audio/visual apparatuses (**paragraphs 2, 3, 4, and 5; and figure 2**).

8.4. The motivation to use the art of Putterman with the art of Dujari and Capps would have been the benefit recited in Putterman that the system provides a method to access multiple audio/visual devices located on a home network (**paragraphs 2, 3, 4 and 5**); this method would have been recognized by the ordinary artisan as a valuable benefit. Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Putterman with the art of Dujari and Capp to produce the claimed inventions.

9. **Claims 10 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari and Capps as applied to **claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above, further in view of Yang (Patent Application Publication US 2003/0110236).

9.1. Dujari as modified by Capps teaches the audio/visual system as described in **claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above.

9.2. Regarding **claims 10 and 26**, Yang teaches:

9.2.1. Transcoding information retrieved from a remote network (**figure 5; and paragraphs 43, 93 and 95**).

9.3. The motivation to use the art of Yang with the art of Dujari and Capps would have been the benefit recited in Yang that the system provides an efficient and flexible novel solution to generic multi-media content delivery (**paragraph 0023**). Therefore, as discussed above, it would have been

obvious to the ordinary artisan at the time of invention to use the art of Yang with the art of Dujari and Capps to produce the claimed inventions.

10. **Claims 12 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dujari and Capps as applied to **claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above, further in view of Janik (Patent Application Publication US 2005/0113946).

10.1. Dujari as modified by Capps teaches the audio/visual system as described in **claims 3 - 6, 9, 14 - 16, 19 - 22, 25, 30 - 32, 35 - 42** above.

10.2. Regarding **claims 12 and 28**, Janik teaches:

10.2.1. A remote control, said remote control to issue a control signal that is converted by said audio/visual system to a network command or retrieving said information (**figure 1; and Abstract**).

10.2.2. The motivation to use the art of Janik with the art of Dujari and Capps would have been the benefit recited in Janik that the system allows a user to control content that is stored on a computer from the audio/visual system (**paragraph 11**). Therefore, as discussed above, it would have been obvious to the ordinary artisan at the time of invention to use the art of Janik with the art of Dujari and Capps to produce the claimed inventions.

11. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell L. Guill whose telephone number is 571-272-7955. The examiner can normally be reached on Monday - Friday 9:00 AM - 5:30 PM.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application should be directed to the TC2100 Group Receptionist: 571-272-2100.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Russ Guill
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RG

Paul L. Rodriguez 2/9/06
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